

DEPARTMENT OF THE ARMY
BUFFALO DISTRICT, CORPS OF ENGINEERS
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207-3199

REPLY TO
ATTENTION OF:

September 13, 1999

Regulatory Branch

SUBJECT: Additional Information Required for the Evaluation of Department of the Army Application Nos. 97-320-0003(2) (Buffalo District), 99-00640 (NY District), and 199701186 (Pittsburgh District), by Millennium Pipeline Company, L.P.

Mr. Richard Hall
Columbia Gas Transmission Corporation
P.O. Box 2002
Binghamton, New York 13902

Dear Mr. Hall:

This pertains to the Millennium Pipeline Project that is proposed to cross multiple Section 10 and 404 waterways, located within the States of Pennsylvania and New York.

The Corps of Engineers is unable to continue processing your request because additional information is required to complete the evaluation. Please refer below for a more detailed list of the information needed. If you would like to discuss your project, or need assistance in preparing the items requested, please call me at the number listed below.

The following information must be submitted to enable me to prepare a public notice:

a. As indicated during a telephone conversation with Heidi

Firstencel of the New York District on September 9, 1999, you will be forwarding a modified crossing method for Haverstraw Bay.

b. Based upon revisions made to the delineation as a result of several site inspections, please provide the updated wetland delineation on USGS Topographic Maps. In addition, please quantify wetland impacts that will result from the pipeline construction. This should include total wetland impacts as well as forested wetland impacts. Please also note that the drainage ditches within the "black dirt" area of Orange County are considered waters of the United States, and should be indicated as such. In your response dated July 2, 1999 to the Federal Energy Regulatory Commission's data request regarding this subject, you incorrectly cited our

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regulations. The maintenance of the ditches present in the "black dirt" areas for on-going agricultural activities is exempt in accordance with 323.4(a)(2). Only ditches excavated in dry lands, which these are not, are not considered 'waters of the United States.'

c. To expedite efficient publication of the public notice, we recommend that the following information be submitted in electronic format (pdf):

- i. updated stream and wetland tables referenced as Construction Alignment Sheet Notes
- ii. pipeline route on USGS Topographic Maps with updated wetland delineation
- iii. pipeline route on New York State Gazetteer Map
- iv. all NYSDEC wetland crossing details
- v. all open trench stream details (including Lake Erie)
- vi. sample construction technique drawings for all types of dry stream crossings
- vii. sample construction technique drawings for typical wetland crossings
- viii. updated environmental construction standards

It is also recommended that you submit mailing labels for all adjacent property owners. This also will expedite efficient publication of the public notice.

Please note that without the submittal of the information detailed above, your application is not complete and a public notice cannot be prepared. Please forward all requested information to the Buffalo, New York and Pittsburgh Districts.

As a result of several agency field meetings, re-routes have been and will be discussed and preliminarily proposed. Please provide plans reflecting any proposed changes. This shall include any new adjacent property owners as well as a wetland delineation of newly proposed affected areas. Please note that you are responsible for supplying this information for any and all re-routes proposed.

The following information will also be needed during the evaluation process of the project. Although it is not needed to publish the notice, it would be beneficial to address these concerns prior to the public notice.

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a. Impacts associated with the Millennium Pipeline project will require mitigation to compensate for significant wetland and stream impacts. Although a mitigation plan is not required to consider your application complete and to publish a public notice, it may be beneficial for you to include a conceptual mitigation plan in the public notice.

b. Resolution of conflicting ice scour reports.

c. Additional questions regarding resuspension of contaminants, and turbidity and deposition, related to trench depths in Lake Erie will need to be resolved.

d. The need for Millennium to investigate dry crossings of all streams. This evaluation shall include a feasibility analysis. In addition, contingency plans for all proposed dry crossings will be required.

e. Environmental Inspection Plan.

Please note that additional issues and concerns may need to be addressed as a result of the Public Notice process.

In addition to the review being conducted by the Corps of Engineers, your application has been forwarded to the New York State Department of Environmental Conservation (NYSDEC). Because the NYSDEC review is separate from the Corps of Engineers review, and because their permit requirements may differ, it is your responsibility to ensure that any requests for additional information by NYSDEC are submitted directly to that agency. It should also be noted that an Encroachment Permit, Section 401 Water Quality Certification, and Coastal Zone Consistency Determination is required from the Pennsylvania Department of Environmental Protection (PA DEP).

The PA DEP is also a separate review and your application should be submitted directly to the Northwest Regional Office, Soils and Waterways Section.

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Questions pertaining to this matter should be directed to me at (716) 879-4227, by writing to the following address:
U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo,
New York 14207-3199, or by e-mail at:
Margaret.A.Crawford@usace.army.mil

Sincerely,

Margaret A. Crawford
Biologist

cc: Scott Hans, Pittsburgh District
Heidi Firstencel, NY District
Richard Hoffman, FERC